

## REMARKS

Claims 1-7 were previously pending in the subject application. The Examiner has rejected claims 1-7. Applicant has amended claims 1-7 for purposes of clarification or consistency. Applicant has also added new claims 8-12. Accordingly, claims 1-12 are now pending in the subject application. Support for the amendments can be found at, for example, claim 1 as originally filed and paragraph nos. 9, 12-13, 15, 17-18, and 22-23 of the subject application. No new matter has been added.

### Claim Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-7 in view of 8 cited references, including ANDERSON (U.S. Patent No. 4,617,270) and VICKERS (U.S. Patent No. 6,846,503). Applicant respectfully traverses the rejection of claims 1-7.

Claim 1 includes a number of features that are not shown or suggested by the cited references, taken either individually or in combination. For example, Applicant's review of the cited references has failed to identify any teaching directed to a process for producing vodka, comprising: (1) "*distilling* the fermented corn mash in a *beer still* to produce a first mixture;" (2) "*distilling* the first mixture in a *kettle still* to produce a second mixture;" (3) "*distilling* the second mixture in a *closed column still* to produce a third mixture;" and (4) "*distilling* the third mixture in a *doubler* to produce a fourth mixture."

VICKERS makes reference to the use of one or more distillation columns when producing an ethanolic spirit. See, e.g., col. 3, lines 6-8. Unlike the cited reference, claim 1 recites multiple distillation operations that occur in "a *beer still*," "a *kettle still*," "a *closed column still*," and "a *doubler*." As discussed in the subject application at, for example, paragraph nos. 4-5 and 16-22, the use of multiple distillation operations occurring in different stills is desirable so as to produce high quality vodka having improved characteristics. In particular, the different stills provide specific distillation capabilities, such that the resulting vodka includes reduced amounts of undesirable alcohols and other products that can impart negative flavors and odors as well as reduced amounts of particulates and other solids that can adversely impact smoothness and clarity. VICKERS' reference to one or more distillation

columns in no way shows or suggests the use of multiple distillation operations occurring in “a *beer still*,” “a *kettle still*,” “a *closed column still*,” and “a *doubler*,” as recited in claim 1. The deficiencies of VICKERS are not remedied by the teachings of the other cited references.

For at least these reasons, the cited references fail to show or suggest the subject matter that is defined by claim 1. Thus, claim 1 and its dependent claims 2-7 should be in a condition for allowance.

New claims 8-9 depend from claim 1 and are allowable for at least the reasons discussed in connection with claim 1. Moreover, claims 8-9 include a number of additional features that are not shown or suggested by the cited references, taken either individually or in combination.

For example, Applicant’s review of the cited references has failed to identify any teaching directed to the use of “*white organic corn*” that “has a *moisture content* that is *below 14.0%*,” as recited in claim 8. ANDERSON makes reference to producing alcohol from corn. *See, e.g.*, col. 1, lines 60-68. Unlike the cited reference, claim 8 recites a specific type of corn having a moisture content within a specific range. As discussed in the subject application at, for example, paragraph nos. 4-5 and 9, the use of white corn having such moisture content is desirable so as to produce high quality vodka having improved characteristics. ANDERSON’s reference to a generic corn fails to show or suggest the use of “*white organic corn*,” much less one that “has a *moisture content* that is *below 14.0%*,” as recited in claim 8. The deficiencies of ANDERSON are not remedied by the teachings of the other cited references. Applicant respectfully disagrees with the Examiner’s statement that selection of a specific type of corn is a routine determination, and requests that the Examiner provide evidence to support this statement should the rejection be maintained.

New claim 10 includes features of the type discussed in connection with claims 1 and 8. Thus, claim 10 and its dependent claims 11-12 are allowable for at least the reasons discussed in connection with claims 1 and 8.

Summary

For the reasons set forth above, Applicant respectfully submits that the subject application is in a condition for allowance. An early notice of allowance is, therefore, earnestly requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 843-5852.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 03-3117.

Dated: February 13, 2006

COOLEY GODWARD LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

Respectfully submitted,  
**COOLEY GODWARD LLP**

By:



Cliff Z. Liu  
Reg. No. 50,834